

PLANNING COMMISSION MINUTES

July 21, 2009

7:00 p.m.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Michael Allen, Ray Keller, City Council representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Barbara Holt and Dave Badham.

Clark Jenkins welcomed all those present.

Michael Allen made a motion to approve the minutes for June 16, 2009 as written. Clark Jenkins seconded the motion and voting was unanimous in favor.

1. PUBLIC HEARING - Consider preliminary and final subdivision plat approval for the Thunder Mountain Plat B one-lot subdivision located at 35 N. Moss Hill Dr., Keith & Mark Eubank, applicants.

Keith Eubank, applicant, was present. Paul Rowland explained that this subdivision was previously granted preliminary approval by the Planning Commission on September 4, 2007, but not granted final approval because Mr. Eubank was not able to get the required agreement with the neighboring property owner until recently. Because the original approval was granted almost two years ago, it has lapsed and the subdivision is now in for re-approval.

Mr. Eubank has had his Engineer/Surveyor prepare the final plat and construction drawings for the short piece of Moss Hill Drive that will be involved in this subdivision. Because there is not a good turn-around at the end of 1500 East, a temporary turn-around will be provided until the full extension of 1500 East is completed. The next phase of Thunder Mountain Subdivision or the development of the Ralph Keller property to the east will necessitate this extension.

Very little underground utility work will be required because the water line is already in place in 1500 East. A short stub of the sewer line, and a water lateral are about all that is needed underground. Walk, curb and gutter and the asphalt paving are all required as the surface improvements. The street will be completed on both sides with a temporary turn around at the north end.

Mr. Keller and Mr. Eubank have submitted a signed agreement meeting the requirements added by the Planning Commission as a condition of approval, a copy of which is attached to the file.

Staff recommends that the Planning Commission send a favorable recommendation to the City Council for preliminary and final subdivision approval of the Thunder Mountain Subdivision Plat B with the following conditions:

1. Post a bond for the street improvements that need to be completed along Moss Hill Drive as shown on the Bond and Fee letter.
2. Preliminary profile of 1500 East established so that the extension will tie into Moss Hill Drive to the north properly. (Already submitted)
3. Pay Fees as shown on the Bond and Fee letter
4. Provide a current Title Report.

Keith Eubank explained that there is a 120-foot extension which gives a better ratio for a turn-around at the end of the cul-de-sac.

The public hearing was opened for those with comments or concerns.

Olga Pinney, residing at 123 S. Moss Hill Dr., had some questions regarding the cul-de-sac and a future road through the street. Mr. Rowland answered her questions.

The public hearing was closed without further comments.

After a brief discussion Clark Jenkins made a motion to recommend to the City Council preliminary and final subdivision plat approval for the Thunder Mountain Plat B one-lot subdivision subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING - Consider preliminary and final subdivision plat approval for the Barton Square Subdivision a four-lot subdivision located at 200 S. 300 E., Clark Jenkins, applicant.

Clark Jenkins excused himself from this item as he is the applicant. Vice-Chairman Tom Smith assumed responsibility of the meeting.

Paul Rowland explained that Mr. Jenkins is proposing to subdivide the existing 1 acre lot on the northwest corner of 200 South and 300 East into four individual building lots. The property is divided by the concrete Barton Creek channel with a single family home and a detached garage on the southwest side of the creek with the north and east side of the creek being vacant. The existing house and the garage are to be removed because it straddles the proposed line between lots 3 and 4.

Mr. Rowland explained that the creek is approximately 4 feet deep and 8 feet wide as measured from the top and inside edges of the concrete. The top of the concrete wall is also an additional 2-3 feet lower than the level of the street, so the bottom of the creek is effectively 6-7 feet lower than the street. Mr. Jenkins is proposing to construct the basements approximately 4 to 5 feet below the height of the street so that the basement levels will be approximately 2 feet or more above the flow line of the creek. This means that the main levels of all 4 homes will be several feet above the height of the street, and the basement windows will all be daylighted. The landscaping will be graded such that it positively slopes away from the homes in all directions

either to the creek or the street.

The proposal is for two lots on the south side of the creek and two lots on the north side. The largest proposed lot is 0.37 acres and the smallest is 0.21 acres and they all meet the minimum requirements for frontage, size and building pad area required by the zone.

The parcel currently has sidewalk and curb & gutter on the street frontages and one set of underground utility laterals serving the existing house. Electricity in the area is provided overhead and can be supplied to the new building pads from the existing system but three new sets of water, sewer, irrigation and natural gas laterals will need to be brought to the property from the street, where they are available.

The only problem with this property is that two of the proposed building pads are partially located in the 100 year flood as mapped on the current FEMA Flood Insurance Rate Maps. Mr. Jenkins' engineer is currently reevaluating the hydraulics of the concrete channels to see if, as suspected, the amount of water projected to be in Barton Creek during a 100 year flood event would be contained in the channel. If their engineering shows that to be the case, they will apply to FEMA for a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) revising the flood zone to show it only along the creek channel. If the building pads are not removed from the FEMA flood zone, no homes can be built on Lot 2 & Lot 3. Mr. Rowland has reviewed the proposal with Davis County Flood Control to make sure that proper easements and set backs are provided along the creek, and the County is satisfied with the subdivision as proposed.

Clark Jenkins explained that he has submitted a letter to FEMA for a Letter of Map Revision (LOMR) revising the flood zone.

Because this parcel is not located in an existing subdivision and all of the new lots meet or exceed the minimum requirements of the zone as specified in the Bountiful City Zoning Ordinance, Staff recommends that the Planning Commission send favorable recommendation to the City Council for Preliminary and Final Approval of the Barton Square Subdivision with the following conditions:

1. Bonds be posted with the building permits of any new home construction to cover possible damage to the existing street improvements.
2. Notification be placed on the final plat indicating the existence of the 100 year flood plain and that no buildings are allowed in the flood plain.
3. Provide a current Title Report for the property.
4. No building permits will be issued on Lot 2 or Lot 3 until resolution of the LOMA/LOMR request.
5. Make red line corrections to the plat.
6. All development conform to Bountiful City ordinances.
7. Payment of the following fees:
 - a. Storm water impact Fees: \$2,205.00

b.	Checking Fees:	400.00
c.	Recording Fees:	<u>50.00</u>
	TOTAL	\$2,655.00

The public hearing was opened for those with comments and concerns.

Brad McGarry, residing at 232 E. 200 S., had concerns regarding the easement from the creek and asked if the easement would leave enough buildable area so the homes have the required setbacks.

Laaree McGarry, residing at 232 E. 200 S., had concerns with the size of homes that will be built on the lots.

Mr. Jenkins explained that all 4 lots will have the standard setbacks and no variances will be required. Custom homes will be built and the size of the homes will vary with each lot.

Dave Marks, residing at 111 S. 300 E., asked what will happen with the existing white house.

Mr. Jenkins explained that the house will be removed as well as some trees that are lifting up the sidewalk.

Carol & Robert Rawlins, residing at 341 E. 200 S., had concerns with Lot 2 and Lot 3 being so close to the creek. They suggested dividing the existing property into two separate lots rather than having four lots.

Kelly Anderson, residing at 150 S. 300 E., had concerns regarding the cracks and flaking of the concrete at the bottom of the creek. He feels that there should be regular maintenance for the creek. Mr. Anderson is in favor of the development but is asking to watch the banks of the channel during this development.

The public hearing was closed without further comments.

Michael Allen made a motion to recommend to the City Council preliminary and final subdivision approval for the Barton Square Subdivision subject to the conditions outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

Meeting adjourned at 7:55 pm